

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Benjamin T. Metzler)	Examiner: PHUONG, Dai
)	
Serial No.: 10/716,045)	Art Unit: 2617
)	
Filed: November 17, 2003)	
)	
For: A System and Method for Measuring Per Node)	
<u>Packet Loss in a Wireless Network</u>)	

CERTIFICATE OF MAILING/TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below.

/Michelle L. Evans/

10/23/07

Michelle L. Evans

Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**MAIL STOP PETITIONS**

Assistant Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PETITION UNDER 37 CFR 1.181(a)

Sir:

Pursuant to 37 C.F.R. § 1.181(a), Applicants hereby petition to withdraw a holding of abandonment based on Failure to receive an Office Action. The non-final Office Action that was mailed was mailed to an incorrect address and returned to the USPTO as undeliverable. Applicants refer to the Declarations of Paul A. Mendonsa and Michelle Evans for a showing to establish non-receipt of an Office Action.

The Petition under 37 C.F.R. § 1.181(a) to withdraw holding of abandonment based on failure to receive Office Action is timely filed, as two months have not yet expired from the

mailing date of a notice of abandonment. According to Private PAIR, the Notice of Abandonment was mailed on October 9, 2007.

Applicant respectfully requests that the application be sent back to the examiner to resend the Office Action with a new mailing date to the mailing address associated with Customer Number 08791.

Applicant asserts that this Petition under 37 C.F.R. § 1.137(a) does not require a fee; however, requests that the petitions examiner charge any shortages to our Deposit Account Number 02-2666. The petitions examiner is respectfully requested to contact the undersigned by telephone if such contact would expedite this procedure.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: 10/23/07

/Paul A. Mendonsa/
Paul A. Mendonsa (Reg. No. 42,879)

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